



November 20, 2012

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

Re: Notice of Ex Parte Communication; MM Docket No. 99-25;
MB Docket Nos. 09-182 and 07-294

Dear Ms. Dortch:

On November 19, 2012, Jane Mago and the undersigned of the National Association of Broadcasters (NAB), met with Commissioner Robert M. McDowell and Erin A. McGrath, the Commissioner's Legal Advisor for media issues, to discuss issues regarding the above-captioned proceedings.

We first addressed the Commission's implementation of Section 3 of the Local Community Radio Act of 2010 (LCRA), which prohibits the Commission from reducing the minimum second-adjacent channel distance separation requirements between low power FM (LPFM) stations and full-service FM stations, but permits waivers under certain circumstances. NAB stated our view that such waivers should be considered only in truly exceptional circumstances, given the plain language and legislative history of the LCRA. We also noted that the LCRA requires an interfering LPFM station to immediately cease operations while it tries to correct the problem, which could be a death-knell for many LPFM stations.

To avoid such drastic consequences, NAB urged the Commission to take a cautious approach to second-adjacent waivers, and require clear and convincing evidence that a proposed LPFM station will not cause interference to full-service FM stations. We note that determining the interference potential of either a second-adjacent LPFM station or similarly-situated FM translator is not a simple matter. For example, Educational Media Foundation (EMF) notes that, despite vast experience in the location of FM translators on second-adjacent channels, and access to sophisticated computer interference-prediction software, as many as 5% of EMF's translators must cease operations or otherwise correct

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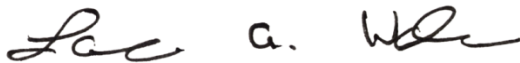
interference problems.¹ NAB is concerned that, despite the best efforts and intentions of LPFM waiver applicants, many LPFM stations will simply lack the experience and expertise to accurately assess potential interference, and lack the resources to correct any subsequent problems.

NAB proposed one simple, reasonable procedure that could facilitate the Commission's consideration of waiver requests. We urged the Commission to require that LPFM applicants for second-adjacent waivers provide advance notice to any full-service FM stations that may be impacted by grant of the waiver request. These stations should have the opportunity to review and potentially improve the engineering showing provided by the LPFM applicant. Such an approach would offer benefits to everyone involved, including the Commission, the LPFM applicant, the full-service station, and listeners.

We also discussed the 2010 Quadrennial Review of the Commission's Media Ownership Rules. We explained that the current broadcast ownership rules should be relaxed to permit broadcasters to compete in the current marketplace. Specifically, NAB reiterated our positions that the current newspaper/broadcast and radio/television cross-ownership restrictions should be eliminated in light of the intense competition in the multi-platform media marketplace. We also noted various press reports on the potential attribution of joint sales agreements (JSAs) among television stations for purposes of the ownership limits, and explained that such arrangements produce economic efficiencies that allow broadcasters to better serve their local communities. NAB pointed out several important distinctions between television and radio JSAs, such as the fact that television stations compete for advertising revenue against cable operators that frequently use joint sales agreements themselves. We further explained that treating television JSAs as attributable interests would hinder the production and delivery of local news and information, and harm localism.

Please direct any questions concerning this matter to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lawrence A. Walke". The signature is fluid and cursive, with the first name "Lawrence" written in a stylized script, followed by "A." and "Walke".

Lawrence A. Walke

cc: Erin A. McGrath

¹ Comments of Educational Media Foundation, MM Docket No. 99-25 (filed May 8, 2012).